

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02527-APM**

BESSON v. UNITED STATES DEPARTMENT OF
COMMERCE

Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 10/22/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

DAVID H. BESSON

represented by **DAVID H. BESSON**
3701 Overland Avenue
Apartment 246
Los Angeles, CA 90034
(703) 203-0444
Email: dhbesson@gmail.com
PRO SE

V.

Defendant

**UNITED STATES DEPARTMENT OF
COMMERCE**

represented by **Marsha Wellknown Yee**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2539
Fax: (202) 252-2599
Email: marsha.yee@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Evan Kahn
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-6718
Email: matthew.kahn@usdoj.gov
TERMINATED: 09/27/2019

Date Filed	#	Docket Text
10/22/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF COMMERCE (Filing fee \$ 400, receipt number 4616095260) filed by DAVID H. BESSON. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(jf) (Entered: 11/05/2018)
10/22/2018		SUMMONS Not Issued as to UNITED STATES DEPARTMENT OF COMMERCE (jf) (Entered: 11/05/2018)
10/22/2018	<u>2</u>	MOTION to Compel by DAVID H. BESSON (jf) (Entered: 11/05/2018)
10/22/2018	<u>3</u>	MOTION for CM/ECF Password by DAVID H. BESSON (jf) (Entered: 11/05/2018)
11/05/2018		MINUTE ORDER granting <u>3</u> Motion for CM/ECF User Name and Password. Pro se Plaintiff may obtain a CM/ECF user name and password from the Clerk. Signed by Judge Amit P. Mehta on 11/05/2018. (lcapm1) (Entered: 11/05/2018)
11/05/2018		MINUTE ORDER denying <u>2</u> Plaintiff's Motion to Compel Preparation of a Vaughn Index as premature. Plaintiff may renew the Motion, if appropriate, at a later time. Signed by Judge Amit P. Mehta on 11/05/2018. (lcapm1) (Entered: 11/05/2018)

11/08/2018	<u>4</u>	AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF COMMERCE filed by DAVID H. BESSON. (Attachments: # <u>1</u> Exhibit 26OCT18 DOC letter denying FOIA appeal)(BESSON, DAVID) (Entered: 11/08/2018)
11/09/2018		SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF COMMERCE, U.S. Attorney and U.S. Attorney General (zmd) (Entered: 11/09/2018)
11/27/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/23/2018. (BESSON, DAVID) (Entered: 11/27/2018)
11/30/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/23/2018. Answer due for ALL FEDERAL DEFENDANTS by 12/23/2018. (BESSON, DAVID) (Entered: 11/30/2018)
11/30/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF COMMERCE served on 11/23/2018 (BESSON, DAVID) (Entered: 11/30/2018)
12/21/2018	<u>8</u>	NOTICE of Appearance by Matthew Evan Kahn on behalf of UNITED STATES DEPARTMENT OF COMMERCE (Kahn, Matthew) (Entered: 12/21/2018)
12/21/2018	<u>9</u>	ANSWER to <u>4</u> Amended Complaint by UNITED STATES DEPARTMENT OF COMMERCE.(Kahn, Matthew) (Entered: 12/21/2018)
12/21/2018	<u>10</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before January 4, 2019. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Please see the attached Order for details. Signed by Judge Amit P. Mehta on 12/21/2018. (lcapm2) (Entered: 12/21/2018)
12/21/2018		Set/Reset Deadlines: Joint Status Report due by 1/4/2019. (zjd) (Entered: 12/21/2018)
01/02/2019	<u>11</u>	Consent MOTION to Stay by UNITED STATES DEPARTMENT OF COMMERCE (Kahn, Matthew). Added MOTION for Extension of Time on 1/4/2019 (znmw). (Entered: 01/02/2019)
01/03/2019	<u>12</u>	Second MOTION for Vaughn Index by DAVID H. BESSON (Attachments: # <u>1</u> Exhibit NASCTN GPS Project Final Briefing, # <u>2</u> Exhibit June 2017 Briefing to PNT Advisory Board, # <u>3</u> Exhibit NASCTN Report 1 Impact of LTE on GPS (Introduction and Parts 1-2), # <u>4</u> Exhibit Measurement Data Request Form, # <u>5</u> Exhibit Revised Test Plan, # <u>6</u> Exhibit Draft Test Plan, # <u>7</u> Exhibit Adjudicated Comments)(BESSON, DAVID) (Entered: 01/03/2019)
01/07/2019		MINUTE ORDER granting <u>11</u> Defendant's Consent Motion for a Stay of Proceedings. This matter is hereby stayed. Within three business days of Department of Justice operations resuming, Defendant shall notify the court by when the parties will file their Joint Status Report. Signed by Judge Amit P. Mehta on 01/07/2019. (lcapm1) (Entered: 01/07/2019)
01/30/2019	<u>13</u>	Joint STATUS REPORT and Proposed Briefing Schedule by UNITED STATES DEPARTMENT OF COMMERCE. (Kahn, Matthew) (Entered: 01/30/2019)
01/30/2019		MINUTE ORDER setting the following schedule for further proceedings in this matter: Plaintiff's Motion for Summary Judgment shall be due by February 8, 2019; Defendant's Opposition and Cross Motion for Summary Judgment shall be due by March 1, 2019; Plaintiff's Reply and Opposition shall be due by March 15, 2019; and Defendant's Reply shall be due March 29, 2019. Signed by Judge Amit P. Mehta on 01/30/2019. (lcapm1) (Entered: 01/30/2019)
01/30/2019		Set/Reset Deadlines: Plaintiff's Motion for Summary Judgment due by 2/8/2019. Defendant's Opposition and Cross Motion due by 3/1/2019. Plaintiff's Reply and Opposition due by 3/15/2019. Defendant's Reply due by 3/29/2019. (zjd) (Entered: 01/30/2019)

		02/05/2019)
02/07/2019	<u>14</u>	MOTION for Summary Judgment by DAVID H. BESSON (BESSON, DAVID) (Entered: 02/07/2019)
02/08/2019	<u>15</u>	STRICKEN PURSUANT TO MINUTE ORDER FILED 2/12/2019.....ORDER advising Plaintiff to respond by March 1, 2019, to Defendant United States Department of Commerce's <u>14</u> Motion for Summary Judgment or risk summary judgment in Defendant's favor. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 02/08/2019. (lcapm1) Modified on 2/12/2019 (zjd). (Entered: 02/08/2019)
02/12/2019		MINUTE ORDER directing the clerk to strike and the parties to disregard the February 8, 2019 Order, ECF No. 15, as entered in error. Signed by Judge Amit P. Mehta on 02/12/2019. (lcapm1) (Entered: 02/12/2019)
03/01/2019	<u>16</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Table of Contents, # <u>2</u> Table of Authorities, # <u>3</u> Memorandum in Support, # <u>4</u> Statement of Facts, # <u>5</u> Declaration, # <u>6</u> Exhibit A1, # <u>7</u> Exhibit A2, # <u>8</u> Exhibit A3, # <u>9</u> Exhibit A4, # <u>10</u> Exhibit A5, # <u>11</u> Exhibit A6, # <u>12</u> Text of Proposed Order, # <u>13</u> Certificate of Service)(Kahn, Matthew) (Entered: 03/01/2019)
03/01/2019	<u>17</u>	Cross MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF COMMERCE. (See Docket Entry <u>16</u> to view document) (jf) (Entered: 03/04/2019)
03/04/2019		NOTICE OF ERROR re <u>16</u> Memorandum in Opposition; emailed to matthew.kahn@usdoj.gov, cc'd 1 associated attorneys — The PDF file you docketed contained errors: 1. Two–part docket entry, 2. DO NOT REFILE – Counsel is reminded to docket all parts of their pleading(s) (zjf,) (Entered: 03/04/2019)
03/04/2019	<u>18</u>	NOTICE of Pending Supreme Court Case by UNITED STATES DEPARTMENT OF COMMERCE re <u>17</u> MOTION for Summary Judgment, <u>16</u> Memorandum in Opposition, (Attachments: # <u>1</u> Certificate of Service)(Kahn, Matthew) (Entered: 03/04/2019)
03/05/2019	<u>19</u>	ERRATA by UNITED STATES DEPARTMENT OF COMMERCE <u>18</u> Notice (Other) filed by UNITED STATES DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Brief, # <u>2</u> Certificate of Service)(Kahn, Matthew) (Entered: 03/05/2019)
03/06/2019	<u>20</u>	ORDER advising Plaintiff to respond by March 15, 2019, to Defendant United States Department of Commerce's <u>17</u> Cross–Motion for Summary Judgment or risk summary judgment in Defendant's favor. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 03/06/2019. (lcapm1) (Entered: 03/06/2019)
03/06/2019		Set/Reset Deadlines: Plaintiff's Response due by 3/15/2019. (zjd) (Entered: 03/10/2019)
03/15/2019	<u>21</u>	RESPONSE re <u>17</u> Cross MOTION for Summary Judgment by DAVID H. BESSON (BESSON, DAVID) Modified event title and link on 3/18/2019 (znmw). (Entered: 03/15/2019)
03/15/2019	<u>22</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by DAVID H. BESSON. (See Docket Entry <u>21</u> to view document). (znmw) (Entered: 03/18/2019)
03/29/2019	<u>23</u>	Consent MOTION for Extension of Time to File <i>Reply</i> by UNITED STATES DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Text of Proposed Order)(Kahn, Matthew) (Entered: 03/29/2019)
04/01/2019		MINUTE ORDER granting <u>23</u> Defendant's Consent Motion for Extension of Time. Defendant shall file a Reply in Support of Defendant's Cross–Motion for Summary Judgment on or before April 3, 2019. Signed by Judge Amit P. Mehta on 04/01/2019. (lcapm1) Modified on 4/1/2019 (lcapm1,). (Entered: 04/01/2019)
04/01/2019		Set/Reset Deadlines: Reply to Cross Motion due by 4/3/2019. (kh) (Entered: 04/01/2019)

04/03/2019	<u>24</u>	REPLY to opposition to motion re <u>21</u> Cross MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Statement of Facts)(Kahn, Matthew) (Entered: 04/03/2019)
09/27/2019	<u>25</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Marsha Wellknown Yee on behalf of UNITED STATES DEPARTMENT OF COMMERCE Substituting for attorney Matthew Evan Kahn (Attachments: # <u>1</u> Certificate of Service)(Yee, Marsha) (Entered: 09/27/2019)
10/09/2019	<u>26</u>	ORDER denying parties' cross-motions for summary judgment, ECF Nos. 14, 17. See attached order for additional details. Signed by Judge Amit P. Mehta on 10/09/2019. (lcapm1) (Entered: 10/09/2019)
10/09/2019		Set/Reset Deadlines: Renewed Summary Judgment Motion due by 11/8/2019. (nbn) (Entered: 10/10/2019)
11/06/2019	<u>27</u>	Consent MOTION for Extension of Time to <i>File Defendant's Renewed Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Yee, Marsha) (Entered: 11/06/2019)
11/07/2019		MINUTE ORDER granting Defendant's <u>27</u> Consent Motion for Extension of Time. Defendant's Renewed Motion for Summary Judgment shall now be due by November 20, 2019. Signed by Judge Amit P. Mehta on 11/07/2019. (lcapm1) (Entered: 11/07/2019)
11/13/2019		Set/Reset Deadlines: Defendant's Renewed Motion for Summary Judgment due by 11/20/2019. (zjd) (Entered: 11/13/2019)
11/20/2019	<u>28</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Fletcher Declaration and Exhibits, # <u>3</u> Text of Proposed Order)(Yee, Marsha) (Entered: 11/20/2019)
11/21/2019	<u>29</u>	ORDER advising Plaintiff to respond by December 20, 2019, to Defendant United States Department of Commerce's <u>28</u> Renewed Motion for Summary Judgment or risk summary judgment in Defendant's favor. Plaintiff shall also file any cross-motion for summary judgment by December 20, 2019. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 11/21/2019. (lcapm1) (Entered: 11/21/2019)
11/21/2019		Set/Reset Deadlines: Plaintiff's Response and Cross-Motion due by 12/20/2019. (zjd) (Entered: 11/22/2019)